HIS MAJESTIES ANSWER To the DECLARATION OF *BOTH HOUSES* Concerning *Hull.*

Sent 4. May 1642.

With his Majesties Expresse Warrant to the High-Sheriff of the County of Yorke *concerning the proceedings of Sir* John Hotham *in* Hull.

LONDON,
Printed for *S. E.* in the yeere 1642.

His Majesties Answer to the Declaration of both Houses concerning *Hull*, sent 4. May 1642.

SInce Our gracious Message of the 24. of Aprill last to both Houses of Parliament (demanding Justice for that high & unheard of affront offered unto Us at the Gates of *Hull*, by Sir *John Hotham*) is not thought worthy of an answer, but that instead thereof, they have thought fit, by their printed Votes of the 28. of Aprill last, to own and avow that unparalleled act of Sir *John Hothams* to be done in Obedience to the Command of both Houses of Parliament (though at that time he could produce no such Command) and with other Resolutions against Our proceedings there, to publish a Declaration concerning that Businesse, as an appeal to the People, and as if their intercourse with Us, and for Our satisfaction, were now to no more purpose; though We knew this course of theirs to be very unagreeable to the Modesty and Duty of former times, and unwarrantable by any Presidents, but what themselves have made, yet We are not unwilling to joyn issue with them in this way, and to let all the world know, How Necessary, Just, and Lawfull all Our Proceedings have been in this point; and that the defence of these Proceedings is the defence of the Law of the Land, of the Liberty and Property of the Subjects, and that by the same Rule of Justice, which is now offered to Us, all the private Interest and Title of Our good Subjects to all their Lands and Goods are confounded and destroyed: Master *Pym* himself tels you, in his Speech against the Earle of *Strafford* (published by the Order of the House of Commons) *The Law is the safegard, the custody of all private Interests; your Honours, your Lives, your Liberties and Estates, are all in the keeping of the Law; without this, every man hath a like Right to any thing.* And we would faine be answered, What Title any Subject of our Kingdome hath to his House or Land, that We have not to Our Town of *Hull*? or what Right hath he to Money, Plate, or Jewels, that we have not to Our Magazine or Munition there? If We had ever such a Title, we would know when we lost it? And if that Magazine and Munition (bought with Our own Money) were ever Ours, when and how that Property went out of Us? We very well know the great and unlimited Power of a Parliament, but we know, as well, that it is only in that sense, As we are a Part of that Parliament, without Us, and against Our Consent, the Votes of either, or both Houses together, must not, cannot, shall not (If We can helpe it, for Our Subjects sake, as well as Our own) forbid any thing that is enjoyned by the Law, or enjoyn any thing that is forbidden by the Law; but in any such Alteration, which may be for

for the Peace and Happineſſe of the Kingdome, We have not, ſhall not refuſe to conſent: And we doubt not, but that all Our good Subjects will eaſily diſcern, in what a miſerable inſecurity and confuſion they neceſſarily and inevitably be, if Deſcents may be altered, Purchaſes avoyded, Aſſurances and Conveyances cancelled, the Soveraign legall Authority deſpiſed and reſiſted, by Votes or Orders of either, or both Houſes: And this we are ſure is Our Caſe at *Hull*; and as it is Ours to day, by the ſame Rule it may be theirs to morrow.

Againſt any deſperate Deſignes of the Papiſts, We have ſufficiently expreſſed Our Zeale and Intentions, and ſhall be as forward to adventure Our own Life and Fortune to oppoſe any ſuch Deſignes, as the meaneſt Subject in Our Kingdome.

For the Malignant Party, as the Law hath not, to Our knowledge, defined their Condition, ſo hath neither Houſe preſented them to Us under ſuch a Notion as We may well underſtand whom they intend, and We ſhall therefore onely enquire after, and avoid the Malignant party, under the Character, as Perſons diſ-affected to the Peace and Government of the Kingdome; and ſuch (who neglecting and deſpiſing the Law of the Land) have given themſelves other Rules to walk by, and to diſpence with their obedience to Authority; of theſe Perſons (as deſtructive to the Common wealth) we ſhall take all poſſible Caution.

Why any Letters intercepted from the Lord *Digby* (wherein he mentions a Retreate to a place of ſafety) ſhould hinder Us from viſiting Our own Fort, and how We have oppoſed any wayes of accommodation with Our Parliament, and what wayes and overtures have been offered in any way, or like any deſire of ſuch accommodation; or whether Our Meſſage of the twentieth of January laſt, ſo often in vaine preſſed by Us, have not ſufficiently expreſſed Our earneſt deſire of it, let all the world judge: Neither is it in the power of any perſon to encline Us to take Arms againſt Our Parliament & Our good Subjects, & miſerably to embroil this Kingdom in Civill Wars; We have given ſufficent evidence to the world, how much Our Affections abhor, & Our Heart bleeds at the apprehenſion of a civil War: And let God and the World judge, If Our Care and Induſtry be only to defend and protect the Liberty of the Subject, the Law of the Kingdome, Our own juſt Rights (part of that Law) and Our Honour (much more precious then Our Life) and, if in oppoſition to theſe, any civill War ſhall ariſe, upon whoſe accompt the blood and deſtruction that muſt follow muſt bee caſt: God and Our own Conſcience tells Us that we are clear.

For Captain *Leggs* being ſent heretofore to *Hull* (though, by the way, this is the firſt time We ever heard that he was accuſed for the practice of bringing up the Army againſt the Parliament, neither doe We yet know that there is ſuch a charge againſt him) or for the Earle of *New Caſtles* being

ſent thither by Our Warrant and Authority, We asked a queſtion long ago in Our Anſwer to both Houſes concerning the Magazine at *Hull*, which We have juſt cauſe to think is not eaſie to be anſwered, Why the generall Rumour of the Deſigne of Papiſts, in the Northern parts, ſhould not be thought ſufficient ground for Us to put in ſuch a Perſon of Honour, Fortune, and unblemiſhed Reputation, as the Earle of *New Caſtle* is known to be, into a Town and Fort of Our own where Our own Magazine lay; and yet the ſame Rumour be warrant enough to commit the ſame Town and Fort, without Our conſent, to the hands of Sir *John Hotham*, with ſuch a power, as is now too well known and underſtood: How Our Refuſall to have that Magazine removed, upon the Petition of both Houſes, could give an advantage againſt Us to have it taken from Us, and whether it was a Refuſall, all men will eaſily underſtand who read Our Anſwer to the Petition; to which it hath not been yet thought fit to make any Reply.

For the condition of thoſe Perſons who preſented the Petition to Us at *York* (whom that Declaration calls, ſome few ill-affected Perſons about the City of *York*) to continue the Magazine at *Hull*, We make no doubt but that Petition will appeare to be atteſted both in Number and Weight by Perſons of Honour and Integrity, and much more converſant with the Affections of the whole County, then moſt of thoſe Petitions which have been received with ſo much conſent and approbation. And for their preſumption of interpoſing their Advice, We the more wonder at that exception, when ſuch encouragement hath been given, and thanks declared to multitudes of mean, unknown people, Prentices and Porters, who have accompanied Petitions of very ſtrange natures.

For the manner of Our going to *Hull*, We have cleerly ſet forth the ſame in Our Meſſage to both Houſes of that buſineſſe, and for any Intelligence given to Sir *John Hotham*, of an intention to deprive him of his life, As We know there was no ſuch intention in Us, having given him all poſſible aſſurance of the ſame at Our being there, ſo we are confident no ſuch Intelligence was given, or if it were, it was ſome Villain, who had nothing but malice, or deſigne to fright him from his due obedience to warrant him: And Sir *John Hotham* had all the reaſon to aſſure himſelfe that his life would be in much more danger, by refuſing to admit his King into his own Town and Fort, then by yeelding him that Obedience which he owed by his Oaths of Allegiance and Supremacy, and the Proteſtation, and he well knew, was due and warrantable by the Laws of the Land.

For the number of Our Attendants (though that could be no warrant for ſuch a diſobedience in a Subject) it is well known (as We expreſt in Our Meſſage to both Houſes, to which credit ought to have been given) That We offered to goe into the Town with twenty Horſe onely; Our whole Train being unarmed: and whoſoever thinks that too great an Ar-

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tendance for Our Selfe and Our two Sons, have ſure an intention to bring Us to a meaner Retinue then they yet will avow.

Here is then Our Caſe, of which let all the world judge; We endeavored to viſit a Town and Fort of Our own, wherein Our own Magazine lay; a Subject, in defiance of Us, ſhuts the Gates againſt Us, with armed men reſiſts, denies, and oppoſes Our entrance, tells Us in plain tearmes, We ſhall not come in. We doe not pretend to underſtand much Law, yet in the point of Treaſon We have had much learning taught Us this Parliament; and if the ſenſe of the Statute of 25. *Ed.* 3. *cap.* 2. be not very differing from the letter, Sir *John Hotham's* act was no leſſe then plain High Treaſon; And we had been contemptibly ſtupid, if we had (after all thoſe circumſtances of grace and favour then ſhewed him) made any ſcruple to proclaim him Traitor, and whether he be ſo, or no, if he ſhall render himſelfe, We will require no other triall then that which the Law hath appointed to every Subject, and which We are confident We have not (in the leaſt degree) in theſe proceedings violated, no more then We have done the Priviledge of Parliament, by endeavouring, in a juſt way, to challenge Our own unqueſtionable Priviledges: For that, in ſuch a caſe, the declaring him Traitor, being a Member of the Houſe of Commons, without Proceſſe of Law, ſhould be a breach of Priviledge of Parliament (of which, We are ſure, none extends to Treaſon, Felony, or breach of the Peace) againſt the Liberty of the Subject, or againſt the Law of the Land, we muſt have other Reaſons than bare Votes. We would know, if Sir *John Hotham* had (with thoſe forces by which he kept Us out of *Hull*) purſued Us to the gates of *Yorke* (which he might as legally have done) muſt We have ſtaid from declaring him Traitor, till Proceſſe of Law might have iſſued againſt him? Will Fears and Jealouſies diſpence with reall and neceſſary Forms, and muſt We, when actual War is levied upon Us, obſerve Forms, which the Law it ſelf doth not enjoyn? The Caſe is truly ſtated, let all the World judge (unleſſe the meere ſitting of a Parliament doth ſuſpend all Lawes, and We are the only Perſon in *England*, againſt whom Treaſon cannot be committed) where the fault is: And whatſoever courſe Wee ſhall be driven to for the vindication of this Our Priviledg, and for the recovery and maintenance of Our known and undoubted Rights, We do promiſe in the preſence of Almighty God, and as We hope for his bleſſing in Our Succeſſe, That We will, to the utmoſt of Our Powers, defend and maintain the true Proteſtant Profeſſion, the Law of the Land, the Liberty of the Subject, and the juſt Priviledg and freedom of Parliament.

For the Order of Aſſiſtance, given to the Committees of both Houſes, concerning their going to *Hull*, We ſhall ſay no more, but that thoſe Perſons named in that Order, We preſume, will give no Commands, or Our good Subjects obey other then what are warranted by the Law (how large

and unlimited ſoever the directions are, or the inſtructions may be) for to that Rule We ſhall apply Our own Actions, and by it require an accompt from other Men. And that all Our good Subjects may the better know their Duty in matters of this nature, We wiſh them carefully to peruſe the Statute made in the eleventh year of *H. 7. cap.* 1. We conclude with Maſter *Pyms* own words, *If the Prerogative of the King overwhelm the Liberty of the People, it will be turn'd to Tyranny; if Liberty undermine the Prerogative, it will grow into Anarchy*, and ſo We ſay, Into Confuſion.

Statut. 11. Hen. 7. cap. 1.

None that ſhall attend upon the King, and do him true ſervice, ſhall be attainted, or forfeit any thing.

THE King our Soveraign Lord, calling to his remembrance the duty of Allegiance of his Subjects of this his Realm, and that they, by reaſon of the ſame, are bound to ſerve their Prince and Soveraign Lord for the time being in his Wars, for the defence of him and the land, againſt every rebellion, power, & might reared againſt him, & with him to enter & abide in ſervice in Battell, if caſe ſo require; and that for the ſame ſervice what fortune ever fall by chance in the ſame battell againſt the minde and will of the Prince (as in this land ſome time paſſed hath been ſeen) that it is not reaſonable, but againſt all Laws, reaſon and good conſcience, that the ſaid Subjects going with their Soveraign Lord in wars, attending upon him in his Perſon, or being in other places by his commandement, within this Land or without, any thing ſhould loſe or forfeit for doing their true duty and ſervice of Allegiance: It be therefore ordained, enacted, and eſtabliſhed by the King our Soveraign Lord, by the advice and aſſent of the Lords Spirituall and Temporall, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That from henceforth no manner of perſon or perſons, whatſoever he or they be, that attend upon the King and Soveraign Lord of this Land for the time being, in his Perſon, and doe him true and faithfull ſervice of Allegiance in the ſame, or be in other places by his commandment in his wars, within this Land or without; [No perſon that ſhall attend upon the King, and doe him true ſervice, ſhall be attainted therefore of Treaſon, or any other offence.] *that for the ſaid deed and true duty of Allegiance he or they ſhall be in no wiſe convict or attaint of high Treaſon, ne of other offences for that cauſe, by Act of Parliament, or otherwiſe by any proceſſe of Law, whereby he or any of them ſhall loſe or forfeit life, lands, tenements, rents, poſſeſſions, hereditaments, goods, chattels, or any other things: but to be for that deed and ſervice utterly diſcharged of any vexation, trouble, or loſſe. And if any Act or Acts, or other Proceſſe of the Law hereafter thereupon for the ſame happen to be made contrary to this Ordinance, that then that Act or Acts, or other Proceſſe of the Law, what-*

whatsoever they shall be, stand and be utterly voyd. Provided alway, that no person or persons shall take any benefit or advantage by this Act, which shall hereafter decline from his or their said Allegiance.

By the King.

TRusty and well beloved, *We greet you well: Whereas We understand, That Sir* John Hotham *takes upon him (without any legall Authority or Power) to issue Warrants to Constables, and other Our Officers, to raise divers of Our trained Bands of this Our County, and requires them to march with their Arms, and to come into Our Town of* Hull, *where he hath disarmed divers of them, keeps their Arms, and discharges the men: And whereas We are credibly informed, that divers persons, who were lately Colonels, Lieutenant-Colonels, Captains and Officers of the trained Bands of this Our County, intend shortly to summon, and indeavour to muster the forces of this Our County: For as much as by the Law of the Land, none of Our trained Bands are to be raised or mustered, upon any pretence or authority whatsoever, but by speciall Warrant under Our own hand, or by a Legall Writ directed to the Sheriffe of the County, or by Warrant from the Lord Lieutenant, or Deputy-Lieutenants of the County, appointed and authorized by Commission under Our Great Seal. And whereas at present there is no Lord Lieutenant or Deputy-Lieutenant legally authorized to command the Forces and trained Bands of this Our County of* York, *and the Commissions, Command, and Power of all Colonels, Lieutenant-Colonels, Captains and Officers of Our trained Bands, (which were derived from the Commission and Power of the Lord Lieutenant onely) are now actually void, and of no Force and Authority. Our Will and Command therefore is, that you forthwith issue Warrants under your Hand, to all the late Colonels, Lieutenant-Colonels, Captains and Officers, who (whiles the Lord Lieutenants Commission was in force) had the command of the trained Bands of this Our County: And also to all High and Petty Constables, and other Our Officers in this Our County, whom it may concern; charging and commanding them, and every of them, in Our Name, and upon their Allegiance, and as they tender the Peace of this Our Kingdom, not to Muster, Levy, or Raise, or to Summon or Warn (upon any Pretence or Directions whatsoever) any of Our trained Bands to Rise, Muster, or March, without expresse Warrant under Our Hand, or Warrant from you Our Sheriffe, grounded upon a particular writ to that purpose; which We also command you, not to put in Execution without Our Privity and Allowance, whiles We shall reside in this our County. And in case any of Our trained Bands shall rise or gather together, contrary to this Our command; Then We will and command you to charge and require them to dissolve, and retire to their dwellings. And if upon due Summons from you, they shall not lay down their Arms, and depart to their*

dwellings,

dwellings, We will and command you, upon your Allegiance, and as you tender the peace and quiet of this Our Kingdom, to raise the Power of the County, and suppresse them by force, as the Law hath directed and given you power to doe. And to the end that this Our expresse Command may be notified to all Our good Subjects in this Our County, so as none may pretend hereafter to have been misled through ignorance, We require you to cause this Our Letters to be forthwith read, and published openly in all Churches and Parishes in this Our County. Herein you may not fail, as you tender the safety and honour of Our Person, the good and peace of this Our Kingdom, and will answer the contrary at your perill. For which this shall be your sufficient Warrant.

To our trusty and welbeloved high Sheriffe of Our County of Yorke.

Given at our Court at Yorke the fifth day of May, in the eighteenth year of Our Reigne, &c.

FINIS.